

1 HONORABLE RONALD B. LEIGHTON
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7 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

8 DONALD LYLE STRATTON,

9 Plaintiff,

10 v.

11 MARVIN SPENCER, et al.,

12 Defendants.

Case No. C08-5203RBL

ORDER

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15 THIS MATTER comes on before the above-entitled Court upon the Magistrate Judge's Report
16 and Recommendation [Dkt. #40]. Having considered the entirety of the records and file herein, the Court
17 finds and rules as follows:

- 18 (1) Plaintiff's Motion for Voluntary Dismissal (filed in C08-5418RBL [Dkt. #10] and referring
19 to this cause number) is **GRANTED**;
20 (2) Defendants' Motion to Dismiss [Dkt. #36] is **DENIED**; and
21 (3) Plaintiff's Complaint [Dkt. #21] is **DISMISSED WITHOUT PREJUDICE**.

22 **IT IS SO ORDERED.**

23 The Clerk shall send uncertified copies of this order to all counsel of record, and to any party
24 appearing pro se.

25 Dated this 20th day of November, 2008.

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RONALD B. LEIGHTON
28 UNITED STATES DISTRICT JUDGE